

REMARKS/ARGUMENTS

Claims 1-21 are pending in the application. By this Amendment, claims 1 and 14 are amended and claims 22-26 are canceled. Support for the amendments can be found in the original specification and claims. Reconsideration and withdrawal of the rejections in view of the foregoing amendments and the following remarks is respectfully requested.

I. RESTRICTION/ELECTION REQUIREMENT

The Office Action makes the October 6, 2006 Restriction/Election Requirement final and withdraws claims 2, 19 and 22-26 from consideration. Accordingly, by this Amendment, claims 22-26 are canceled without prejudice or disclaimer. Because claims 2 and 19 depend from claim 1, which is generic to all of the identified species, if claim 1 is found allowable, rejoinder and allowance of claims 2 and 19 are also requested.

II. THE CLAIMS ARE ALLOWABLE OVER VERONESI

The Office Action rejects claims 1, 3-18, 20 and 21 under 35 U.S.C. § 102(b), or in the alternative under 35 U.S.C. § 103(a), over Veronesi (French Patent No. 2,406,387). Because Veronesi fails to disclose or suggest all of the features of these claims, the rejection is respectfully traversed.

Veronesi discloses the use of a hydrogel in connection with plant cultivation. The embodiment disclosed in Veronesi which appears closest to what Applicant is claiming appears to be the use of a hydrogel within a pot which holds a plant. Veronesi teaches that particulate

hydrogel can be poured into the bottom of a planter or pot. Dirt or compost is then placed over the top of the particulate hydrogel, and a plant is planted within the dirt or compost. Veronesi also indicates that the bottom surface of the pot can be porous, or formed of a mesh screen, so that water can be absorbed through the bottom of the pot.

Claim 1 of the present application is directed to a plant cultivation system. Claim 1 recites a porous enclosure and a water insoluble polymer contained within the porous enclosure. Claim 1 recites that the porous enclosure is a conformable sealed porous bag.

An example of an embodiment of the plant cultivation system recited in claim 1 is shown in Fig. 1 of the present application. As shown therein, a particulate hydrogel 3 is contained within a sealed porous enclosure 2. The specification explains that the porous enclosure 2 can be made of flexible materials so that the porous enclosure will conform to the shape of any pot or planter in which it is placed.

Veronesi fails to disclose or suggest placing a particulate hydrogel within a conformable sealed porous bag. Instead, Veronesi teaches that the hydrogel particles are simply poured into the bottom of a pot which is to receive a plant. With the Veronesi method, the particulate hydrogel is simply loose within the bottom of the pot. When dirt and/or compost is added to the pot, on top of the hydrogel, the dirt/compost will partially mix with the particulate hydrogel. As a result, it will be very difficult, or impossible, to re-use the hydrogel for a subsequent planting. It will be difficult to separate all of the hydrogel from the soil or compost in pot.

Applicant's device, as recited in claim 1, overcomes the problems which are encountered with the Veronesi system. By placing the particulate hydrogel within a sealed porous bag, it is

easy to reuse the hydrogel. the sealed porous bag prevents the hydrogel particles mixing with soil or compost which is also used in a pot which receives a plant. If a potted plant having the claimed plant cultivation system dies, or requires re-potting, the particulate hydrogel within its porous sealed bag can be easily removed from the pot, and separated from the soil or compost. The removed sealed bag can then be used in a second planting.

Because Veronesi fails to teach or suggest placing the particulate hydrogel within a conformable sealed porous bag, it is respectfully submitted that claim 1 is allowable. Claims 2-21 depend from claim 1 and are allowable for at least the same reasons, and for the additional features which they recite. Accordingly, withdrawal of the rejection of claims 1-21 is respectfully requested.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition, the Examiner is invited to contact the undersigned at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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